

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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DAVID GRIST,

Petitioner,

- against -

P. GRIFFIN, Superintendent,

Respondent.

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A Memorandum and Order of the undersigned having been filed this day denying petitioner's motion for a stay, dismissing the petition for a writ of habeas corpus without prejudice, and directing the Clerk of the Court to enter judgment accordingly and close this case, it is

ORDERED, ADJUDGED AND DECREED that the petition is dismissed without prejudice. A certificate of appealability shall not issue, as petitioner has not made a substantial showing of the denial of a constitutional right. The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal would not be taken in good faith, and therefore, *in forma pauperis* status is denied for purpose of an appeal.

Dated: Brooklyn, New York
January 30, 2014

Roslynn R. Mauskopf

ROSLYNN R. MAUSKOPF
United States District Judge